

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

REGINALD IVAN COX,

Plaintiff,

v.

PIERCE COUNTY *et al.*,

Defendants,

Case No. C06-5131RJB

ORDER DISMISSING  
THE PETITION  
WITHOUT PREJUDICE

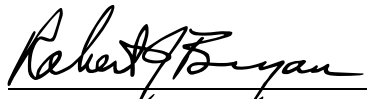
This Civil Rights Action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Plaintiff filed this action under 42 U.S.C. § 1983. When the court granted *in forma pauperis* status plaintiff filed a motion asking the action be **DISMISSED WITHOUT PREJUDICE**. (Dkt. # 7).

Pursuant to Fed. R. Civ. P. 41(a) a plaintiff may voluntarily dismiss his case when no answer or motion for summary judgment has been filed by an adverse party. Rule 41(a)(1) specifically provides that dismissal as a matter of right can be foreclosed only by the filing of an answer

This complaint has not been served and plaintiff may dismiss the action.

The Clerk is directed to send a copy of this Order to plaintiff and to **DISMISS** this action **WITHOUT PREJUDICE**.

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2 DATED this 16<sup>th</sup> day of May, 2006.

3   
4 Robert J. Bryan  
5 United States District Judge  
6

7 Recommended for entry this  
8 16<sup>th</sup> day of May, 2006.

9 /s/ J. Kelley Arnold  
10 J. Kelley Arnold  
11 United States Magistrate Judge  
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